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*Attorneys for Plaintiffs Hawks Hill Ranch, LLC,
(California), Hawks Hill Ranch, LLC (Wyoming),
and Hawks Hill Ranch Winery, LLC*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

<p>HAWKS HILL RANCH, LLC, a California limited liability company; HAWKS HILL RANCH, LLC, a Wyoming limited liability company; and HAWKS HILL RANCH WINERY, LLC, a California limited liability company,</p> <p>Plaintiffs,</p> <p>v.</p> <p>WILLIAM YARAK and MARGARET YARAK,</p> <p>Defendants.</p>	<p>Case No.: _____</p> <p>COMPLAINT FOR DECLARATORY JUDGMENT OF NON-INFRINGEMENT</p>
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Plaintiffs, through counsel, for their Complaint against the defendants, allege as follows:

NATURE OF THE ACTION

This is an action seeking a declaration that plaintiff Hawks Hill Ranch Winery, LLC's use of the name and mark "Hawks Hill" in connection with its sale of bottled wine to consumers does not infringe any rights of defendants. Hawks Hill Ranch Winery, LLC's claims arise under the Declaratory Judgment Act, 28 § U.S.C. 2201-2202, and the Trademark Act of July 5, 1946, as amended, commonly known as the Lanham Act, 15 U.S.C. § 1051, et seq. and California statutory and common law. Defendants have asserted that Hawks Hill Ranch Winery, LLC's use of "Hawks Hill" in connection with bottled wine products is likely to cause consumer confusion. As a result, a declaratory ruling is necessary to clarify Hawks Hill Ranch Winery, LLC's rights in the Hawks Hill trademark in connection with sales of bottled wine products to consumers going forward.

THE PARTIES

1. Hawks Hill Ranch Winery, LLC is a limited liability company organized under the laws of the State of California, with its principal place of business in Paso Robles, California. Hawks Hill Ranch Winery, LLC is, and was at all times herein mentioned, qualified to do business in California. Hawks Hill Ranch Winery, LLC produces and sells bottled wine to consumers within the jurisdiction of this Court and elsewhere.

2. Hawks Hill Ranch, LLC (California) is a limited liability company organized under the laws of the State of California with its principal place of business in Paso Robles, California. Hawks Hill Ranch, LLC is, and was at all times mentioned herein, qualified to do business in California and elsewhere.

3. Hawks Hill Ranch, LLC (Wyoming) is a limited liability company organized under the laws of the State of Wyoming, with its principal place of business in Cody, Wyoming. Hawks Hill Ranch, LLC is, and was at all times mentioned herein, qualified to do business in Wyoming.

4. Defendants William Yarak and Margaret Yarak are the owners of Hawk Hill Vineyard in Sonoma County, California. Hawk Hill Vineyards is in the business of growing grapes to the specifications of others for sale to those to whose specifications the grapes are grown.

VENUE AND JURISDICTION

5. Jurisdiction is proper in this Court because this litigation arises under federal law, namely 17 U.S.C. § 1051 et seq. (the Lanham Act). This Court has jurisdiction over this action under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1338(a) (trademarks), and 28 U.S.C. § 2201 (Declaratory Judgment Act).

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1391(c).

7. An actual case or controversy has arisen between the parties. Defendants have threatened litigation against Plaintiffs and have asserted that Plaintiffs' business activities constitute trademark infringement. These statements threaten present and tangible injury to Plaintiffs and Plaintiffs' businesses.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

8. Hawks Hill Ranch Winery, LLC produces, bottles, and sells high-quality wines directly to consumers and has built a wine tasting room to market its wines. The tasting room, located in Paso Robles, California, is scheduled to open prior to April 1, 2022. Hawks Hill Ranch Winery, LLC's bottled wine products are sold to consumers under the name and mark, "Hawks Hill Ranch."

9. Defendant William Yarak and Defendant Margaret Yarak do not produce or bottle wine. Rather, Defendants own real property in Sebastopol, Sonoma County, California on which approximately 13 acres are used to grow grapes to the specifications of others. Grapes grown on this property are sold to vintners that produce wine. Defendants call this property "Hawk Hill Vineyard."

10. On March 9, 2022 and March 10, 2022, Plaintiffs received a letter from John B. Dawson, an attorney with the law firm of Carle Mackie Power & Ross in Santa Rosa, California. A true and correct copy of that letter is attached as Exhibit 1 hereto.

11. Mr. Dawson's letter, written on behalf of Defendant William Yarak and Defendant Margaret Yarak, claims that defendants are the owners of trademarks bearing Registration Nos. 2,465,356 and 3,381,147 that are registered with the United States Trademark Office, for "Hawk Hill Vineyard."

12. Mr. Dawson's letter claims that Plaintiff Hawks Hill Ranch Winery, LLC's use of the "Hawks Hill Ranch" name and mark to identify its bottled wine sold to consumers "is currently causing confusion, and is likely to cause confusion and mistake in the future that [plaintiff's] goods and services originate from, are sponsored by, or are otherwise authorized by [defendants]" and "trade(s) upon [defendants'] established goodwill, constitute actionable trademark infringement, and bad faith misappropriation of the Yaraks' labor and expenditures, and dilute the uniqueness" of their trademarks, in violation of 15 U.S.C. § 1114, 15 U.S.C. § 1125, Cal Bus. And Prof. Code § 17200, and common law trademark and unfair competition rules.

13. Mr. Dawson's letter threatens that defendants will commence litigation to assert these claims unless, not later than March 17, 2022, plaintiffs herein pay \$100,000 to defendants, cease and desist from all current uses of the "Hawks Hill Ranch" name and mark, provide a "written agreement to forever abandon" all future uses of the "Hawks Hill Ranch" name and mark in connection with wine products, and perform other acts.

14. Mr. Dawson's letter threatens that defendants will seek injunctive relief and money damages against plaintiffs herein, including attorneys' fees and treble damages.

CLAIMS FOR RELIEF

(Declaratory Judgment of Non-Infringement of Trademarks, 15 U.S.C. § 1051, et seq.)

15. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs the same as if set forth herein in full.

16. Defendants presently claim that Plaintiffs' use of the "Hawks Hill Ranch" name and mark constitutes trademark infringement and other violations of federal and state statutory and common law, and has threatened to bring a lawsuit against Plaintiffs on that basis.

17. Defendants' actions and demands have created an actual, present, and justiciable case or controversy between Plaintiffs and Defendants concerning Plaintiffs' right to market and sell its bottled wine products to consumers under the name and marks it has adopted.

18. Hawks Hill Ranch Winery, LLC and Hawks Hill Ranch, LLC seek a declaratory judgment from this Court that its current use of its "Hawks Hill Ranch" name and mark does not

constitute trademark infringement of defendant's trademarks or violation of any other federal or state statutory or common law right of defendants.

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PRAYER FOR RELIEF

WHEREFORE, Hawks Hill Ranch Winery, LLC and Hawks Hill Ranch, LLC respectfully request the Court:

- A. Enter judgment according to the declaratory relief sought;
- B. Award Hawks Hill Ranch Winery, LLC and Hawks Hill Ranch, LLC their costs in this action.
- C. Enter such other and further relief to which Hawks Hill Ranch Winery, LLC and Hawks Hill Ranch, LLC may be entitled as a matter of law or equity, or which the Court deems to be proper under the circumstances.

Dated: March 13, 2022.

Respectfully submitted,

By: /s/ Laurence O. Masson
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DEMAND FOR JURY TRIAL

Hawks Hill Ranch Winery, LLC and Hawks Hill Ranch, LLC, pursuant to Rule 38, Federal Rules of Civil Procedure, hereby demand a jury trial on all claims for relief, claims, or issues in this action that are triable as a matter of right to a jury.

Respectfully submitted,

Dated: March 13, 2022.

By: /s/ Laurence O. Masson
Laurence O. Masson